

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

JOY ECHOLS

PLAINTIFF

VS.

CIVIL ACTION NO. 3:08CV115-DAS

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

ORDER AWARDING ATTORNEY'S FEES

Before the court is the claimant's motion (# 29) for payment of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In these proceedings, the claimant sought judicial review of the final decision of the Commissioner of Social Security, denying claims for Social Security Disability Insurance Benefits and Supplemental Security Income. By a Judgment (# 26) dated October 29, 2009, the court reversed and remanded this case to the Commissioner for further proceedings. The claimant now seeks attorney fees under the EAJA on the ground that the Commissioner's position was not "substantially justified." By the motion and attached exhibits, the claimant requests an award in the total amount of \$6,117.13 for attorney's fees. However, the parties have agreed to settle the matter of attorney's fees for \$5,800.00.

The court, having considered the foregoing and the record of this case, finds the agreed to amount of attorney's fees is reasonable and appropriate. Therefore, it is

ORDERED that the claimant's motion for payment of attorney's fees under the EAJA is hereby **GRANTED**, and the Commissioner shall pay the claimant's attorney \$5,800.00 in attorney's fees.

THIS, the 28th day of January, 2010.

**/s/ David A. Sanders
U. S. MAGISTRATE JUDGE**